



THE CITY OF NEW YORK
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BY ECF

Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Kelly MacNeal v. City of New York, et al.,
23 Civ. 5890 (LGS) (JW)

Your Honor:

I am an Assistant Corporation Counsel in the office of Muriel Goode-Trufant, Corporation Counsel of the City of New York, and an attorney representing the City of New York in the above referenced matter.

Pursuant to this Court's Order dated July 10, 2025 (ECF No. 58), directing the City to provide identifying information for the police officers referenced in Plaintiff's Amended Complaint and to update the Court on efforts to identify said officers and provide service addresses, the City writes to provide the requested information and to respectfully request that the Court stay all pending discovery deadlines until the individual officer defendants are served and have an opportunity to respond.

The City has identified the following officers who were involved in the incident alleged in Plaintiff's Amended Complaint. Specifically, these officers responded to and participated in the wellness check conducted at Plaintiff's residence on May 6, 2022, which forms the basis of Plaintiff's failure-to-accommodate claim under the ADA:

The following officers may be served at the NYPD 10th Precinct, 230 West 20th Street, New York, NY 10011:

1. Bryan Hanson (Tax No. 930313)
2. Nickolas Alavanja (Tax No. 962916)
3. Dylan Darnaud (Tax No. 960423)
4. Brendan McGovern (Tax No. 970692)

The following officers are retired and may be served at 1 Police Plaza, Room 110A, New York, NY 10038:

1. Nick Mickovic (Tax No. 939035)
2. Connor Coghlan (Tax No. 967008)

Pursuant to the Memorandum of Understanding between the New York Police Department and the United States District Court for the Southern District of New York, the Court may request that the above-identified NYPD officers waive service of process.

Request to Stay Discovery

The City respectfully requests that the Court stay all pending discovery deadlines and hold in abeyance the Court's consideration of the proposed discovery plan submitted at ECF Nos. 47-48 until the individual officer defendants are served with process and have an opportunity to respond to the Amended Complaint.

Given the Court's July 10, 2025 Order, Plaintiff's complaint must now be amended or deemed amended to include the individual police officers as named defendants. (ECF No. 58.) These officers must be served with process or waive service in accordance with the Federal Rules of Civil Procedure. Assuming that the individual officers are properly served, this office will need time to conduct an inquiry to determine whether it will represent them in this action. *See* General Municipal Law § 50(k); *Mercurio v. City of New York, et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985); *Williams v. City of New York, et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law).

In the event that this office does undertake the representation of the individual officer defendants, the interests of judicial economy would be served by allowing this office to interpose a single response on behalf of all named defendants and to proceed with discovery on a unified schedule, rather than responding on behalf of different defendants on different dates.

Accordingly, the City respectfully requests that the Court:

1. Stay any pending discovery deadlines; and
2. Hold in abeyance its consideration of the proposed discovery plan at ECF Nos. 47-48.

Upon service of the individual officer defendants and determination of representation issues, the parties will submit a new proposed case management plan that includes all defendants.

The City thanks the Court for its consideration of this request.

Respectfully Submitted,

John McLaughlin /s/

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